

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heiles et al.
Title: PRINthead ERROR
COMPENSATION
Appl. No.: 10/826,736
Filing Date: 04/21/2004
Examiner: Lebron, Jannelle M.
Art Unit: 2861

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Todd A. Rathe</u> (Printed Name) _____ (Signature) _____ (Date of Deposit)

RESPONSE TO REQUEST FOR ELECTION OF SPECIES

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed June 2, 2006, which requested an election of species.

I. Election of Species Requirement

The Office Action asserted that the application includes claims directed to four patentably distinct species:

Species I directed to a method for calibrating one or more printheads wherein the first portion of image forming points comprises a first segment of image forming points and the second portion comprises a second segment of image forming points on the first printhead;

Species II directed to a method for calibrating one or more printheads, comprising:

printing a second reference you image with a first portion of the first printhead while the first printhead is at a second horizontal position;

printing a second diagnostic image with the second portion while the first printhead is at a third horizontal position positively offset from the second horizontal position by a first offset distance;

detecting a second optical density of the combine second reference image and the second diagnostic image, and wherein the compensation values additionally based upon the second optical density;

Species III directed to a method for calibrating one or more printheads, wherein a plurality of horizontal printed error compensation values are determined by printing the first reference image and the first diagnostic image each a plurality of times while the first printhead and said one of the first printhead and the second printhead are scanned across the medium at a plurality of different speeds; and

Species IV directed to a method for calibrating one or more printheads, wherein the first portion and a second portion comprise identical portions of the printhead, wherein the first portion is printed during overall movement of the printhead in a forward direction and wherein the second portion of the printed during overall movement of the printhead in a reverse direction.

II. Election with Traverse

Applicants hereby traverse the election of species requirement as between Species I and the remaining Species II-IV because the election of species requirement is made to claims that recite characteristics that are not mutually exclusive.

MPEP 806.04(f) is clear that claims to be restricted to different species must be mutually exclusive. In other words, claims to be restricted to different species must recite mutually exclusive characteristics of such species. In the present case,

In the present case, Species I is not mutually exclusive with respect to Species II-IV. This is quite evident from the fact that species II reads upon claim 10, species III reads upon claim 20 and species IV reads upon claim 18. Claims 10, 20 and 18 all depend from independent claim 1 which reads upon Species I. The fact that Species I is not mutually

exclusive with respect to Species II is further evidence by claim 47 which reads upon Species I and Species II. Accordingly, the restriction requirement as between Species I and Species II-IV is improper.

Applicants hereby elect, with traverse as noted above, Species II. Claims 1, 9, 10-17 and 47 read upon Species II. Claim 1 is generic to each of Species I-IV. Claims 40-43 correspond to Claim 1 should be allowed upon allowance of generic claim 1.

III. Conclusion

Applicants respectfully request consideration and allowance of the present application.

The Examiner is invited to contact the undersigned if it is believed that such a call could further prosecution of the present application.

Respectfully submitted,

Date

July 16, 2008

By

Todd A. Rathe

RATHE PATENT & IP LAW
Customer No. 22879
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276